

REMARKS

Applicant has carefully considered the November 19, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-13 were pending in this application, of which claims 12 and 13 were withdrawn from consideration pursuant to the previous restriction requirement.

In response to the Office Action dated November 19, 2007, claims 1, 3 and 8 have been amended; claims 4-6 and 9-11 have been cancelled; and new dependent claims 14-16 have been added. Claim 1 has been amended to include a pressure determination step. In such a step, as described in the specification at numbered paragraphs [0058], [0059], etc., the pressure to be applied to the inside of the preform holes is determined on the basis of the value measured by the differential manometer 82. In addition, claim 3 has been amended so as to contain all features of cancelled claims 4-6. Similarly, claim 8 has been amended so as to contain all features of cancelled claims 9-11.

Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicant submits that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The Examiner is respectfully requested to expressly consider the Information Disclosure Statement (IDS) submitted concurrently herewith and make of record the reference cited on the PTO-1449. The Examiner previously lined through the second non-patent literature citation on

the PTO-1449 form (IDS of August 24, 2004) and indicated that an incomplete date was provided for this publication.

However, MPEP § 609.04(a) describes that a publication date of the publication supplied must include at least the month and year of publication, except that the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

Applicant submits concurrently herewith, an Information Disclosure Statement including the foregoing statement. Thus, the Examiner is requested to forward a properly initialed copy of the accompanying PTO-1449 with the next Office action.

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa et al. (U.S. Pat. App. Pub. No. 2001/0038740, hereinafter “Hasegawa”) alone, or in view of Harvey et al. (U.S. Pat. No. 5,284,499, hereinafter “Harvey”). Applicant traverses.

The claimed subject matter is characterized by the drawing of an optical fiber preform while the preform holes thereof are applied with a pressure determined according to a fiber hole diameter in the optical fiber to be fabricated. The cited references alone, or in combination, do not teach or suggest such a claimed feature.

In the case of fabricating an optical fiber with a plurality of fiber holes, by drawing an optical fiber preform thereof with a plurality of preform holes, some of the obtained fiber holes are collapsed or expanded by undesirable drawing conditions (temperature, drawing speed, tension, pressure applied to the inside of the preform holes, etc.). In the fabrication of the optical fiber having a plurality of holes, there is a case such that the behavior of the holes located in an outer side are different from that of the holes located in an inner side.

The claimed subject matter addresses and solves such a problem and achieves optical characteristics more close to design values. Namely, the claimed subject matter, in order the solve the aforementioned problem, draws the optical fiber preform under a drawing tension of 0.78 N while pressurizing the inside of the preform holes at the pressure determined according to the desirable fiber hole diameter.

Neither Hasegawa alone, or in combination with Harvey, express any recognition of the problem much less offer any viable solution thereof. Under such circumstances, the problem addressed and solved by the claimed subject matter constitutes a potent indicium of nonobviousness which must be given consideration regarding the ultimate legal conclusion of nonobviousness under 35 U.S.C. § 103. The absence in the applied prior art of even a recognition of the problem addressed and solved by the claimed subject matter, let alone the claimed solution, underscores the nonobviousness of the claimed invention as a whole. *North American Vaccine, Inc. v. American Cyanamid Co.*, 7 F.3d 1571, 28 USPQ2d 1333 (Fed. Cir. 1993); *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990); *In re Nomiya*, 509 F.2d 566, 184 USPQ 607 (CCPA 1975).

As described above, the claimed subject matter was a result of the present inventor's discovery that such a behavior regarding hole collapse and hole expansion depends on not only a pressure to be applied to the inside of the fiber holes (hole expansion), but also a surface tension of glass (hole collapse). That is, as now recited in claim 1, it is required to draw the optical fiber preform while pressurizing the inside of the preform holes, at the pressure determined according to the desirable fiber hole diameter.

It is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this

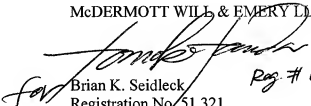
application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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Respectfully submitted,

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